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| 10/637,929      | 08/07/2003  | Chien-Kuo Chang      | 13880 B             | 1946             |

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EXAMINER

NELSON, JAMES T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3637

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/637,929

Applicant(s)

CHANG, CHIEN-KUO

Examiner

James T. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “wooden bottom panel having two end flanges respectively hooked on the elongated top horizontal frame portions of two of said metal supporting frame bars at two sides” of claim 8, on line 11, of page 11, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in “full, clear, concise, and exact terms.” The specification is replete with terms that are not clear, concise

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and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "Regular TV rack ... may be made of metal or wood" on line 8, of page 1, "humility" on line 10 of page 1, "in market" on line 13 of page 1, "difficult to attract consumers to buy" on line 15 of page 1, and "the advantages of weather proof feature" on line 23 of page 1.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "said back panel" on line 1 of page 10. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase, "wooden bottom panel having two end flanges respectively hooked on the elongated top horizontal frame portions of two of said metal supporting frame bars at two sides" does not accurately describe the features claimed.
7. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "wherein said wooden top panel is fixedly fastened to the elongated top horizontal frame portions of said metal supporting frame bars by respectively hooked on fastening elements, having two end flanges the elongated top horizontal frame portions of two of said metal supporting frame bars at two sides" is ambiguous and should be rewritten for clarity.

**8. Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
10. Claims 1, 2, 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822). Gigante describes a metal shelving unit, however the terms “metal” and “wooden” constitute design choice and are given no patentable weight.
11. Regarding claim 1: In Fig. 1, Gigante shows a shelving unit comprising: a plurality of supporting frame bars arranged in parallel (F', F'', F'''). In Fig. 2, Gigante shows a cross section of a shelving unit including supporting frame bars (F'') each comprising an elongated vertical frame portion (8A), an elongated top horizontal frame portion (6) perpendicularly extended from the top end of the elongated vertical frame portion (8A), and an elongated bottom horizontal frame portion (6) perpendicularly extended from the bottom end of the elongated vertical frame portion (8A) and disposed in parallel to the elongated top horizontal frame portion (6), a back panel (9) fastened to the elongated vertical frame portions (8A) of the supporting frame bars (F'') and supported between the elongated top horizontal frame portions (6) and elongated bottom horizontal frame portions (6) of the supporting frame bars (F''), a bottom panel (7) fixedly fastened to the elongated bottom horizontal frame portions (6) of the supporting frame bars (F''), a front open frame (1) fixedly fastened to the free ends of the elongated top horizontal frame portions (6) and elongated bottom horizontal frame portions (6) of the supporting frame bars (F'') and disposed in parallel to the back panel (9),

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the front open frame (1) having a plurality of locating grooves (G'), a plurality of partition board holders (13) fixedly fastened to the back panel (9) and horizontally aligned in a line, a top panel (4) fixedly fastened to the elongated top horizontal frame portions (6) of the supporting frame bars (F') and maintained in parallel to the bottom panel (7), and a plurality of partition boards (7) respectively engaged into the locating grooves (G') of the front open frame (1) and the partition board holders (13) and spaced between the top panel (4) and the bottom panel (7).

12. Regarding claim 2: In Fig. 1, Gigante shows a shelving unit, wherein the supporting frame bars include a left supporting frame bar (F'), a right supporting frame bar (F'''), and a middle supporting frame bar (F'') spaced between the left supporting frame bar (F') and the right supporting frame bar (F''').
13. Regarding claim 6: In Fig. 2, Gigante shows a shelving unit, wherein the supporting frame bars (F'') each have at least one horizontal mounting lug (11) respectively provided at the free ends of the respective elongated top horizontal frame portions (6) and elongated bottom horizontal frame portions (6).
14. Regarding claim 7: In Fig. 2, Gigante shows a shelving unit, wherein the front open frame (1) is fixedly fastened to the horizontal mounting lugs (11) of the supporting frame bars (F'').
15. Regarding claim 9: In Fig. 2, Gigante shows partition board holders (13) comprising U-shaped clamps (13) fixedly fastened the back panel (9) by fastening elements (13).
16. The phrase "TV rack" constitutes intended use and is given no patentable weight.
17. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 2 above, in view of the French document (FR-

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1,143,195-A). In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1 and 2. In Fig. 2, Gigante shows a cross section of a shelving unit including the supporting frame bars (F'') each comprising an elongated vertical frame portion (8A), an elongated top horizontal frame portion (6) perpendicularly extended from a top end of the elongated vertical frame portion (8A), and an elongated bottom horizontal frame portion (6) perpendicularly extended from bottom end of the elongated vertical frame portion (F'') and disposed in parallel to the elongated top horizontal frame portion (6), but lacks a back panel with a plurality of top notches respectively disposed in a top side thereof and adapted to receive the elongated top horizontal frame portions of said left, right and middle supporting frame bars respectively. In Fig. 12, the French document teaches a panel with a plurality of top notches (N') respectively disposed in a top side thereof and adapted to receive frame members (19). It would have been obvious to one skilled in the art at the time of invention to utilize the back panel with a plurality of top notches of the French document to receive the elongated top horizontal frame portions of the left, right and middle supporting frame bars of Gigante to allow the back panel to extend past the elongated top horizontal frame bars portions.

18. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822) in view of the French document (FR-1,143,195-A), as applied to claim 3 above, and further in view of Brooks (U.S. Patent 1,643,738). Gigante as modified by the French document shows all aspects of claim 4, except a back panel comprising two vertical end flanges respectively, perpendicularly extended from two opposite lateral sides thereof and respectively hooked on the elongated vertical frame portions of said left and right supporting frame bars. In Fig. 6, Brooks shows a panel (6) with a plurality of partition board

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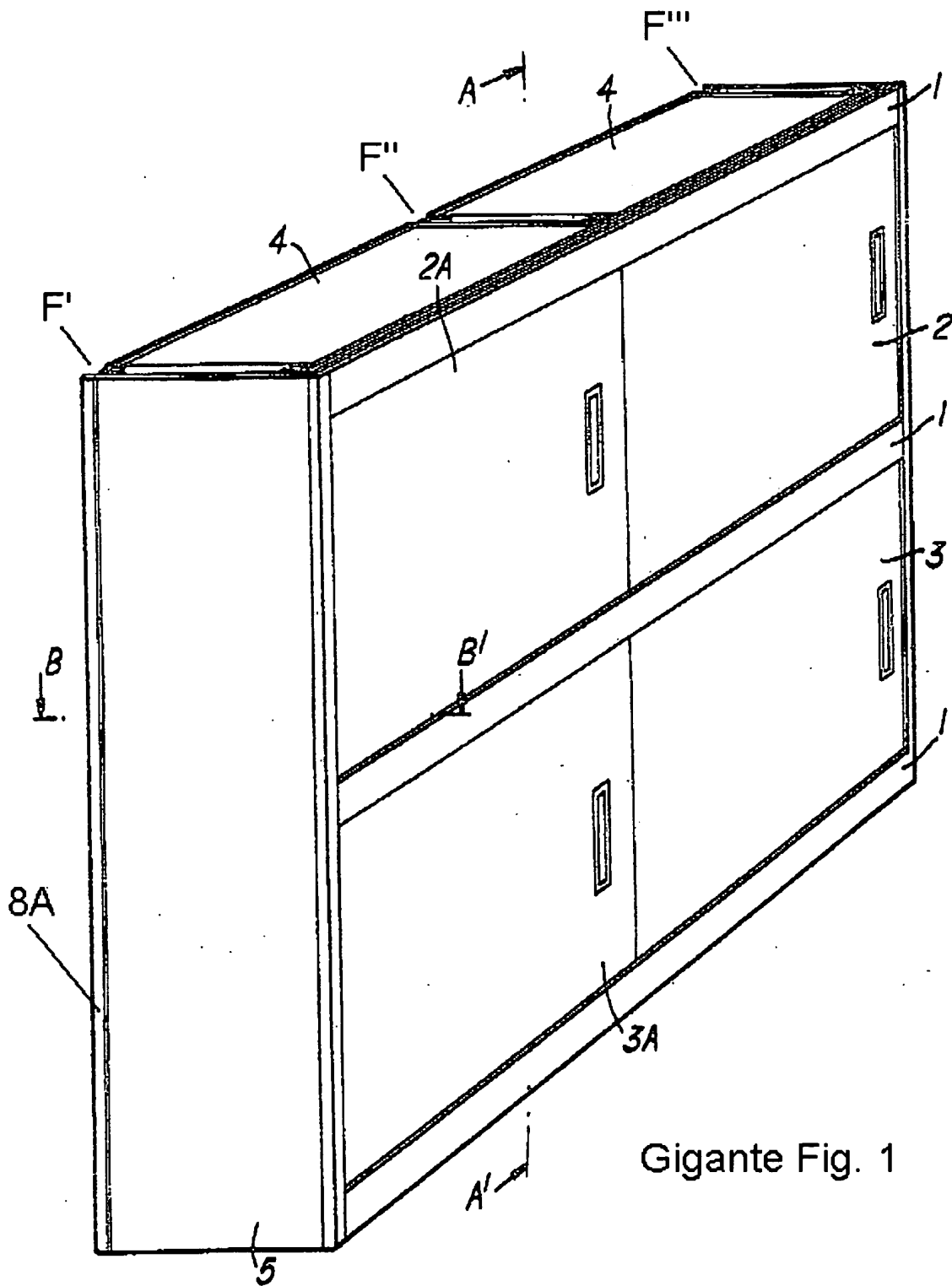
holders (40) fixedly fastened thereto and horizontally aligned in a line with two vertical end flanges (30) respectively, perpendicularly extended from two opposite lateral sides. It would have been obvious to one skilled in the art at the time of invention to hook the flanged panel of Brooks on the elongated vertical frame portions of said left and right supporting frame bars of Gigante, as modified by the French document, to cover frame bars in order to provide a more aesthetically pleasing appearance.

19. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 1 above, in view of Korinsky (U.S. Patent 5,419,629). In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1, but lacks a back panel with a plurality of elongated wire slots for the passing of wire members. In Fig. 2, Korinsky teaches a back panel (250) with a plurality of elongated wire slots (261) for the passing of wire members. It would have been obvious to one skilled in the art at the time of invention to incorporate the back panel (250) with a plurality of elongated wire slots of Korinsky into shelving unit of Gigante to allow for the passage of wires or cables.
20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 9 above, in view of Stuart (U.S. Patent 6,119,992). In Fig. 2, Gigante shows partition board holders (13) comprising U-shaped clamps (13) fixedly fastened the back panel (9) by fastening elements (13), but lacks respective tightening up screws adapted to hold down said partition boards. In Fig. 1, Stuart teaches U-shaped clamps (4) with fastening elements (4d) and tightening up screws (12) adapted to hold down partition boards (22). It would have been obvious to one skilled in the art at the time of invention to add the tightening up screws adapted to hold down the partition boards of Stuart to the U-shaped clamps of Gigante in order to better secure the partition boards.

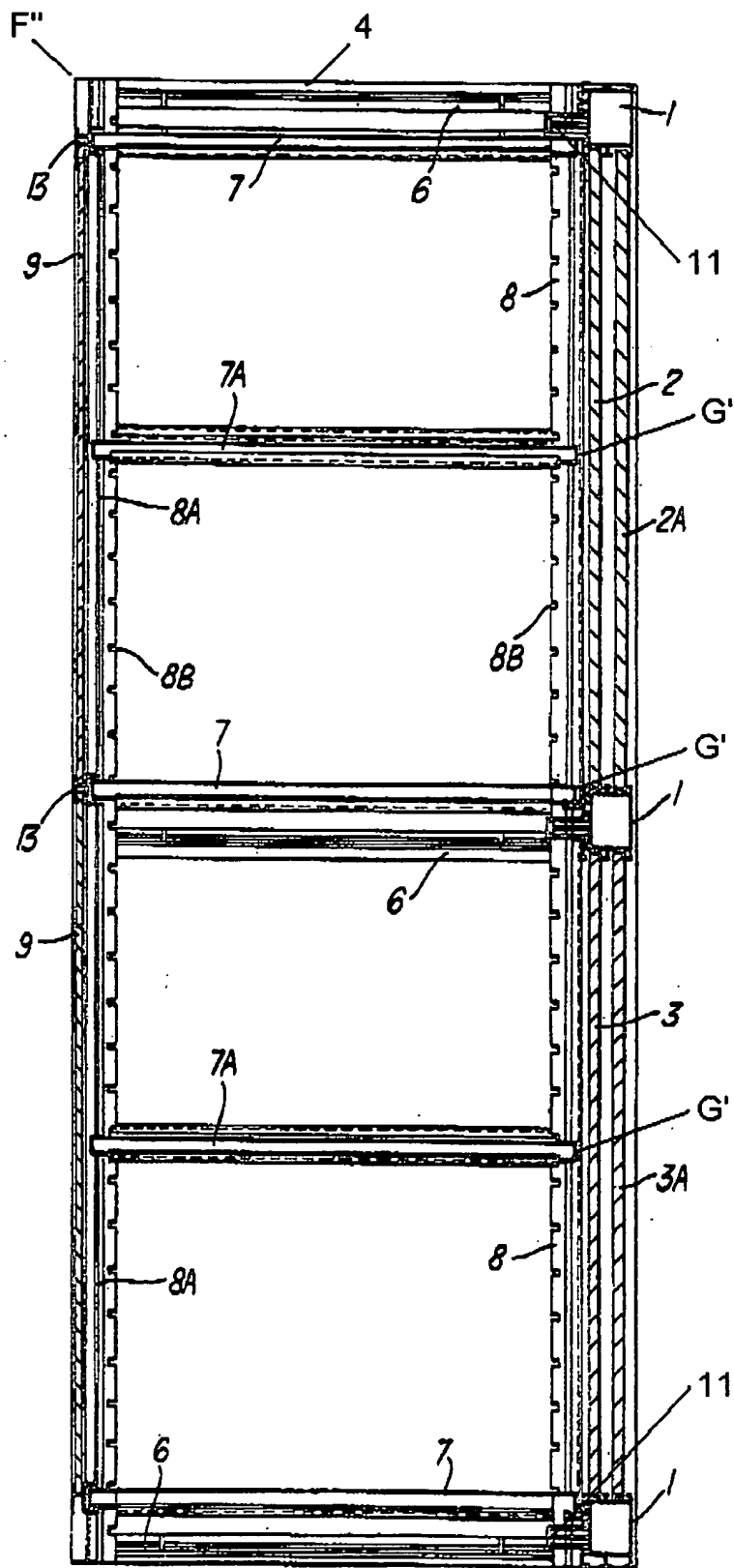


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21. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 1 above, in view of DeWilde (U.S. Patent 3,834,325). In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1. In Fig. 4, Gigante shows a top panel (4) fixedly fastened to the elongated top horizontal frame portions (6) of said supporting frame bars (F'') by fastening elements (14, 15), but lacks two end flanges respectively hooked on the elongated top horizontal frame portions of two of said supporting frame bars at two sides. In Figs. 1 and 2, DeWilde shows a top panel (42) with two end flanges (44) respectively hooked on the elongated top horizontal frame portions (40) of a supporting frame (36) at two sides. It would have been obvious to one skilled in the art at the time of invention to combine the flanged top panel of DeWilde with the elongated top horizontal frame portions (6) of Gigante in order to cover the horizontal frame portions and provide a more aesthetically pleasing appearance.
22. Claim 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gigante (U.S. Patent 3,490,822), as applied to claim 1 above, in view of Mader (U.S. Patent 2,850,171). In Figs. 1 and 2, Gigante shows a shelving unit with all the aspects described in claim 1, including bottom horizontal supporting frame bars (6), but lacks a plurality of foot members respectively fastened to the elongated bottom portions of said supporting frame bars at a horizontal frame bottom side. In Fig. 2, Mader teaches a plurality of foot members (20) respectively fastened to the bottom side of the elongated bottom portions of the horizontal supporting frame bars (15). It would have been obvious to one skilled in the art at the time of invention to combine the foot members of Mader with the bottom horizontal supporting frame bars of Gigante to allow for height adjustability and leveling the shelving unit on an uneven floor.

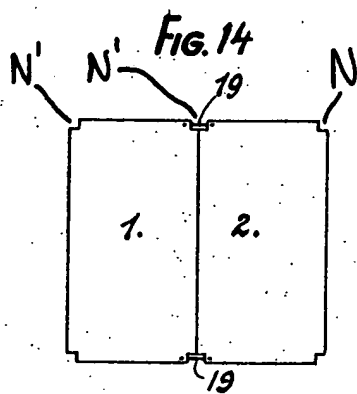
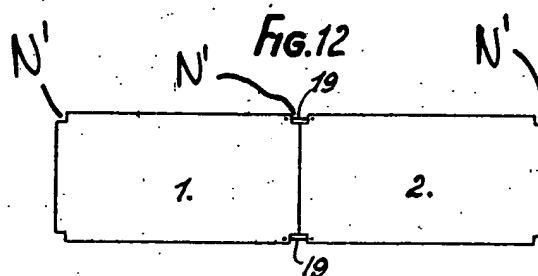


Gigante Fig. 1



Gigante  
Fig. 2

FR-1,143,195-A



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***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson '302, McGunn, Smith, and Weiss show perimeter frames and other aspects of the described invention. Flamme and Schulze show a plurality of top notches. Anderson '140, Clarke, Ghafourian, Kohler '498, Kohler '555, and Stoevers all feature flanges. Blanchard and DeVries teach a front frame with partition board holders.
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James T. Nelson whose telephone number is (571) 272-1491. The examiner can normally be reached on M-F 9:00am - 5:30pm.
25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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08/17/2005

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